

### REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-8 are currently pending. Claim 8 has been added; and Claims 1 and 7 have been amended by the present response. The additions and amendments to the claims do not add new matter.<sup>1</sup>

In the outstanding Office Action, Claims 1, 6, and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0120421 to Filipovic and U.S. Patent Application Publication No. 2005/0123079 to Yamamoto; and Claims 2-5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Filipovic, Yamamoto, and U.S. Patent Application Publication No. 2002/0176364 to Nakamura et al. (hereinafter, "Nakamura").

Applicants' Claim 1 is directed to a wireless apparatus, comprising in part:

a digital filter control unit to disable the filtering of the digital signal by said digital filter when determining directly from non-linearity of a power level or ***directly from non-linearity of*** an amplitude level of the received signal that the filtering by said digital filter will increase distortion of the received signal. [Emphasis Added]

In an exemplary aspect, the digital filter control unit disables the filtering of the digital signal by the digital filter when it determines directly from non-linearity of the power level or ***directly from non-linearity*** of the amplitude level of the received signal that the distortion of the received signal will increase by the filtering of the digital signal by the digital filter.

The Office Action acknowledges that Filipovic does not disclose the claimed digital filter control unit.<sup>2</sup> Rather, the Office Action relies on Yamamoto for such teachings by

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<sup>1</sup> See, e.g., original Claim 1.

<sup>2</sup> See Office Action dated January 29, 2010, pages 4 and 5.

associating the claimed digital filter control unit with a pre-adjusting unit (17) described in Yamamoto.<sup>3</sup>

Applicants respectfully traverse the 35 U.S.C. § 103(a) rejection of Claim 1 for the following reasons.

**First**, as discussed during the interview, Yamamoto simply describes that amplitude adjuster 18, included in the pre-adjusting unit (17), successively detects the value (amplitude) of each intermediate frequency signal DIF, and automatically changes the self-gain in response to the amplitude of the intermediate frequency signal DIF to output an adjusted intermediate frequency signal as an input signal  $X_{in}(t)$  to be applied to a multipass removal filter 20.

Therefore, in Yamamoto, the amplitude adjuster 18 detects simply the *amplitude* of each intermediate frequency signal, and *not* a non-linearity of the same. Thus, Yamamoto does *not* disclose or suggest the direct determination from non-linearity of the power level or from non-linearity of the amplitude level of the received signal, as recited in Claim 1.

The above discussion regarding independent Claim 1 also applies to independent Claim 7, which recites analogous features in a claim of a different scope.

Accordingly, for the above reasons alone, it is respectfully submitted that the 35 U.S.C. § 103(a) rejections of independent Claims 1 and 7 (and all associated dependent claims) be withdrawn.

**Second**, as discussed during the interview, even assuming *arguendo* that Yamamoto's pre-adjusting unit (17) can be properly combined with Filipovic's system, as asserted in the Office Action, the asserted combination would *not* meet all the elements recited in the independent claims.

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<sup>3</sup> Id.

As previously presented, Filipovic describes that the control unit (24) sends control signals to selectively enable or disable a digital filter (20) based on a current wireless protocol being supported.<sup>4</sup> Further, Filipovic describes that the control unit (24) enables or disables the digital filter (20) depending on whether the selected wireless protocol requires digital filtering in addition to the analog filtering in the analog filter (16).<sup>5</sup> Finally, Filipovic describes that the selected wireless protocol requires digital filtering when a pass band filter in the analog filter (16) passes baseband signals of other wireless protocols in addition to the baseband signals of the selected wireless protocol.<sup>6</sup>

Therefore, in Filipovic, the control unit (24) enables or disables the digital filter (20) by determining whether digital filtering is required or not ***based on the selected wireless protocol***. However, Filipovic's control unit (24) does ***not*** disable the digital filter (20) by making the determination directly from non-linearity of a power level or an amplitude level of the received signal.

Thus, even if Yamamoto's pre-adjusting unit (17) determines an amplitude level of a received signal and informs the same to Filipovic, Filipovic's control unit (24) will still enable or disable the digital filter (20) by determining whether digital filtering is required ***based on the selected wireless protocol***, and ***not*** on the amplitude level determined by Yamamoto's pre-adjusting unit (17).

No matter how the teachings of Yamamoto and Filipovic are combined, the combination does ***not*** disclose or suggest the digital filter control unit to disable the filtering of the digital signal by said digital filter when determining ***directly*** from ***non-linearity*** of a power level or an amplitude level of the received signal that the filtering by said digital filter will increase distortion of the received signal.

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<sup>4</sup> See Filipovic, paragraph [0029].

<sup>5</sup> See Filipovic, paragraph [0029].

<sup>6</sup> Id. at paragraph [0028].

The above discussion regarding independent Claim 1 also applies to independent Claim 7, which recites analogous features in a claim of a different scope.

Accordingly, it is respectfully submitted that the 35 U.S.C. § 103(a) rejections of independent Claims 1 and 7 (and associated dependent Claim 6) be withdrawn.

Regarding the rejections of dependent Claims 2-5 under 35 U.S.C. §103(a), Applicants respectfully submit that Nakamura does not remedy the above deficiencies of Yamamoto and Filipovic.

Accordingly, Applicants respectfully submit that the 35 U.S.C. § 103(a) rejections of dependent Claims 2-5 also be withdrawn.

The present amendment adds Claim 8 for examination on the merits. No new matter has been added.<sup>7</sup> It is respectfully submitted that the features of Claim 8 are not described in the art of record, and that these features should be considered and passed to allowance.

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<sup>7</sup> Claim 8 recites features analogous to features recited in original Claim 1.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

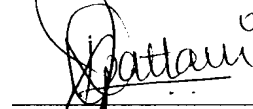
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